

175B.037 Use of public-private partnership -- Requirements -- Administrative regulations.

- (1) The state authority, a bi-state authority, or a project authority may, with approval of the General Assembly pursuant to KRS 175B.020(10), and if applicable, KRS 175B.030(9), utilize a public-private partnership.
- (2) An authority utilizing a public-private partnership shall continue to be responsible for oversight of any function authorized by this chapter that is delegated to or otherwise performed by a public-private partnership.
- (3) A public-private partnership shall not be used to circumvent any requirements or restrictions placed upon any authority pursuant to this chapter.
- (4) An authority proposing to utilize a public-private partnership shall include in the financial plan required by KRS 175B.030 or 175B.035:
 - (a) The parameters of the public-private partnership agreement;
 - (b) The duties and responsibilities to be performed by the private partner or partners;
 - (c) The methods of oversight to be employed by the authority;
 - (d) The duties and responsibilities of the project that are to be performed by the authority, the cabinet, and any other partners to the agreement; and
 - (e) Other information required by the state authority or the cabinet to evaluate the financial plan and the proposed public-private partnership.
- (5) A private entity desiring to be a private partner shall demonstrate to the satisfaction of the state authority and the cabinet that it is capable of performing any function to be authorized by the public-private partnership.
- (6) A public-private partnership authorized or utilized pursuant to this section shall be subject to KRS 176B.030(5) to (8).
- (7) The cabinet shall promulgate administrative regulations detailing the procurement approach and proposal review process to be used for a public-private partnership by December 31, 2016.

Effective: April 8, 2016

History: Created 2016 Ky. Acts ch. 67, sec. 10, effective April 8, 2016.